

Proposed Comprehensive Zoning Code Amendments

July 15, 2004

[+Proposed additions are underlined, italicized, in bold text and preceded and followed by + signs and brackets.+] ~~[- Proposed deleted text is struck through and preceded and followed by a minus sign and brackets.-]~~ The following proposed amendments to the Comprehensive Zoning Code are as follows:

Amending Chapter 14, Article 16, of the City of Albuquerque Comprehensive Zoning Code to define “garage” and “porch” and to allow smaller total lot area and shallower front yards in the R-1, R-LT, R-T, R-G, and R-2 zones as follows:

Amending Section 14-16-1-5(B) DEFINITIONS to differentiate between a residential garage, a residential porch and the rest of the dwelling; amending Section 14-16-2-6 to allow smaller total lot area and shallower front yards for R-1 lots with vehicle access only from an alley and to allow shallower front yards for R-1 lots with visually prominent street-facing dwelling facades and deeper driveways rather than visually prominent or protruding garages; amending Section 14-16-2-8 to allow smaller total lot area and shallower front yards for R-LT lots with vehicle access only from an alley, to allow shallower front yards for R-LT lots with visually prominent street-facing dwelling facades and deeper driveways rather than visually prominent or protruding garages, to eliminate required usable open space for detached houses relying only on minimum R-LT building setback distances for open space, to reduce required usable open space for townhouse dwelling units, and to further reduce required usable open space for townhouse dwelling units with vehicle access only to the rear yard from an alley; amending Section 14-16-2-9 to allow smaller total lot area and shallower front yards for R-T lots with vehicle access only from an alley, to allow shallower front yards for R-T lots with visually prominent street-facing dwelling facades and deeper driveways rather than visually prominent or protruding garages, and to align the amount of required usable open space more closely with required minimum R-T building setback distances; amending Section 14-16-2-10 to allow shallower front yards for R-G lots with vehicle access only from an alley or with visually prominent street-facing dwellings and deeper driveways rather than visually prominent or protruding garages; and amending Section 14-16-2-11 to allow shallower front yards for R-2 lots with vehicle access only from an alley or visually prominent street-facing dwellings and deeper driveways rather than visually prominent or protruding garages. Amending Section 14-16-3-3 to specify the rear yard setback distance for detached garages with alley access.

Section 1. The following amendments to the Comprehensive Zoning Code allow smaller lot sizes and shallower front yards for residential developments with supportive walking environments and align R-LT and R-T zone usable open space and building setback requirements.

Section 2. Section 14-16-1-5(B), ROA 1994, DEFINITIONS is amended to add a definitions for GARAGE and PORCH in proper alphabetical order to read:

GARAGE (Private). A portion of a dwelling or an accessory building that is designed or used to shelter permitted vehicles. Does not include a carport or open shelter.

PORCH. A roofed structure that is open on at least two sides, one side being the street facing side, that projects from the exterior wall of a building, and is used as an outdoor living area. Porch walls are a minimum of 50% open and unenclosed except for removable screens, screen doors, storm sashes or awnings.

Section 3. Sections 14-16-2-6(D)(3) and 14-16-2-6(E)(1), ROA 1994, R-1 Residential Zone are amended to read:

(D) Lot Size

- (1) Except as provided in division (2) and (3) below, minimum lot area shall be 6,000 square feet. Minimum lot width shall be 60 feet.
- (2) (a) Lot standards in subdivision for which plats are submitted after February 1, 1981, shall be:
 1. Minimum lot area of 5,000 square feet.
 2. Minimum lot width of 50 feet.
- (b) Provided, however, that these standards rather than the standards indicated in division (1) above shall apply only where the Planning Director finds that such a lot size will not depart from a pattern of larger developed lots, which pattern constitutes the established character of the neighborhood.
- (3) Lot standards for Family Housing Development subdivisions[- ; -] which meet the requirements set forth in the Family Housing Development Ordinance **[+or for lots with vehicle access only to rear yards from alleys +]**, shall be:
 - (a) Minimum lot area of 4,000 square feet.
 - (b) Minimum lot width of 40 feet.

(E) Setback. The following regulations apply, except as provided in 14-16-3-3

- (1) There shall be a front yard setback of not less than 20 feet.
- [(+)(2) If one of the following conditions is met, then there shall be a front yard setback of not less than 15 feet:**
 - (a) **There is no front yard driveway and vehicle access is only to the rear yard from an alley, or**
 - (b) **The garage is set back not less than 25 feet and comprises no more than 50% of the width of the street-facing building facade and driveways and off-street parking areas cover no more than 60% of the area of the front yard.+]**
- ~~(2)~~**(3)** On a corner lot, the side-yard setback adjacent to the side of the street shall be as follows:
 - (a) If the rear yard abuts the front yard of a residentially-zoned lot, not less than 20 feet.
 - (b) If division (2)(a) does not apply, not less than ten feet.
- ~~(3)~~**(4)** Side-yard setbacks which are interior, i.e., measured from side lot lines which are not adjacent to streets, shall be either:
 - (a) Not less than five feet on each side if the lot width (see definition in [§ 14-16-1-5](#)) is 65 feet or less. The setback on one side shall increase one foot for every

one foot incremental increase in lot width to a maximum side setback of ten feet (thus, if lot width is 70 feet or more, the minimum side setbacks are ten feet on one side and five feet on the other);

(b) There shall be one side-yard setback of not less than ten feet on one side. The other side-yard setback shall be at least five feet, except that it may be reduced or eliminated if the owner of the abutting lot agrees in writing to permanently bind his lot to not have a house closer than ten feet to the areas allowed for a house on the subject lot, and the agreement is included with the application for a building permit. The agreement shall be filed by the owners with the Planning Director after being recorded with the County Clerk. In no case shall the distance between two residential buildings be less than ten feet; or

(c) For lots where a common, interior side lot line is oriented more than 60° from due north-south, the minimum side-yard setback on the northerly side of the common lot line shall be as follows:

1. Not less than 15 feet if the immediately adjacent side yard setback is less than five feet;
2. Not less than ten feet if the immediately adjacent side yard setback is five feet or more.
3. Provided the provisions of divisions (a) and (b) above shall apply if:

- i. For irregularly shaped lots, setback lines allow one side of the house on the irregularly shaped lot to be oriented 30° or more from due north-south, and which allow solar access equal to or greater than the provisions of division 1. or 2. above; or
- ii. The owner of the property on the northerly side of the common lot line agrees in writing to permanently waive the requirement of the 15 foot side yard originally required to protect that property's solar access. The agreement must be included with the application for a building permit, if applicable, and shall be filed by the owners with the Planning Director after being recorded with the County Clerk.

4. Unless waived pursuant to division 3.ii above, in no case shall the distance between two residential buildings be less than 15 feet.

5. Setback lines shall be as indicated on the final plat (either by note, reference, or dimension) not inconsistent with this division (E).

~~(4)~~+(5)(a)+ There shall be a rear yard setback of not less than 15 feet.

(b) [+ If alleys are provided, either a second story heated space or the rear yard wall or fence shall provide a view of the alley.+]

Section 4. Sections 14-16-2-8(D)(2), 14-16-2-8(D)(4), 14-16-2-8(E)(1), and 14-16-2-8(G), ROA 1994, R-LT RESIDENTIAL ZONE are amended to read:

(D) Lot Size

- (1) For a townhouse, except as provided in division (2) below, minimum lot area shall be 3,200 square feet; minimum lot width shall be 24 feet.
 - (2) For a townhouse in a Family Housing Development **[+ or for a townhouse on a lot with vehicle access only to the rear yard from an alley,+]** minimum lot area shall be 2,560 square feet; minimum lot width shall be 20 feet.
 - (3) For a house, except as provided in division (4) below, minimum lot area shall be 4,000 square feet; minimum lot width shall be 40 feet.
 - (4) For a house in a Family Housing Development **[+or for a house on a lot with vehicle access only to the rear yard from an alley,+]** minimum lot area shall be 3,200 square feet, minimum lot width shall be 32 feet.
- (E) Setback.
- (1) There shall be a front yard setback of not less than 15 feet, except driveways shall not be less than 20 feet long. **[+If one of the following conditions is met, then there shall be a front yard setback of not less than 10 feet:**
 - (a) There is no front yard driveway and vehicle access is only to the rear yard from an alley, or**
 - (b) The garage is set back not less than 25 feet and comprises no more than 50% of the width of the street-facing building facade and driveways and of-street parking areas cover no more than 60% of the area of the front yard.+]**
 - (2) There shall be a rear-yard setback of:
 - (a) Not less than 15 feet; or
 - (b) For houses with offset rear lot lines, not less than five feet, provided that the average rear yard setback is not less than 15 feet. Such reduced setbacks are allowed only when approved by the Planning Director and specified on a subdivision plat for not less than two back-to-back lots.**[+(c) If alleys are provided, either a second story heated space or the rear yard wall or fence shall provide a view of the alley.+]**
- (G) Usable Open Space. Usable open space shall be provided on-site at ~~[- 1,200 square feet per house dwelling unit -]~~ **[+800 square feet per townhouse dwelling unit or 600 square feet per townhouse dwelling unit with vehicle access only to the rear yard from an alley.+]**

Section 5. Sections 14-16-2-9(D)(2), 14-16-2-9(D)(4), 14-16-2-9(E)(1), and 14-16-2-9(G)(1), ROA 1994, R-T RESIDENTIAL ZONE are amended to read:

- (D) Lot Size
- (1) For a townhouse, except as provided in division (2) below, minimum lot area shall be 2,200 square feet per dwelling unit; minimum lot width shall be 22 feet per dwelling unit.
 - (2) For a townhouse in a Family Housing Development **[+or for a townhouse with vehicle access only to the rear yard from an alley,+]** minimum lot area shall be 1,760 square feet; minimum lot width shall be 18 feet.
 - (3) For a house, except as provided in division (4) below, minimum lot area shall be 3,600 square feet per dwelling unit; minimum lot width shall be 36 feet.
 - (4) For a house in a Family Housing Development **[+or for a house with vehicle access only to the rear yard from an alley,+]** minimum lot area shall be 2,880 square feet; minimum lot width shall be 29 feet.

(E) Setback.

- (1) There shall be a front yard setback of not less than 15 feet, except driveways shall not be less than 20 feet long. *[+There shall be a front yard set back of not less than 10 feet if one of the following conditions is met:*
 - (a) *Vehicle access is only to the rear yard from an alley, or*
 - (b) *The garage is set back not less than 25 feet and comprises no more than 50% of the width of the street-facing building facade and driveways and off-street parking areas cover no more than 60% of the area of the front yard. +]*
- (3) There shall be a rear-yard setback of:
 - (a) Not less than 15 feet; or
 - (b) For houses with offset rear lot lines, not less than five feet, provided that the average rear yard setback is not less than 15 feet. Such reduced setbacks are allowed only when approved by the Planning Director and specified on a subdivision plat for not less than two back-to-back lots.
 - (c) *[+ If alleys are provided, either a second story heated space or the rear yard wall or fence shall provide a view of the alley.+]*

(G) Usable Open Space

- (1) Usable open space shall be provided on-site at [- 750 -] *[+1300+]* square feet per *[+house, 1100 square feet per house on a lot with vehicle access only to the rear yard from an alley, 550 square feet per townhouse+]* dwelling unit *[+, and 360 square feet per townhouse dwelling unit on a lot with vehicle access only to the rear yard from an alley.+]*

Section 6. Section 14-16-2-10(E)(1), ROA 1994, R-G RESIDENTIAL GARDEN APARTMENT ZONE is amended to read:

(E) Setback.

- (1) There shall be a front yard setback of not less than 15 feet, except that the length of a driveway shall not be less than 20 feet. *[+There shall be a front yard set back of not less than 10 feet if one of the following conditions is met:*
 - (a) *Vehicle access is only to the rear yard from an alley, or*
 - (b) *The garage is set back not less than 25 feet and comprises no more than 50% of the width of the street-facing building facade and driveways and off-street parking areas cover no more than 60% of the area of the front yard.+]*
- (3) *(a) There shall be a rear-yard setback of not less than 15 feet*
(b) [+ If alleys are provided, either a second story heated space or the rear yard wall or fence shall provide a view of the alley.+]

Section 7. Section 14-16-2-11(E)(1), ROA 1994, R-2 RESIDENTIAL ZONE, is amended to read:

(E) Setback.

- (1) There shall be a front yard setback of not less than 15 feet, except that the length of a driveway shall not be less than 20 feet. *[+There shall be a front yard set back of not less than 10 feet if one of the following conditions is met:*
 - (a) *Vehicle access is only to the rear yard from an alley, or*

(b) The garage is set back not less than 25 feet and comprises no more than 50% of the width of the street-facing building facade and driveways and off-street parking areas cover no more than 60% of the area of the front yard.+]

- (3) **(a)** There shall be a rear-yard setback of not less than 15 feet
(b) [+ If alleys are provided, either a second story heated space or the rear yard wall or fence shall provide a view of the alley.+]

Section 8. Section 14-16-3-3(B)(2)(c), ROA 1994, GENERAL REGULATIONS, Supplementary Height, Area, Use – Accessory Structures, is amended to read:

(B)

(2) Accessory Structures.

- (a) Unless approved under a Site Development Plan, an accessory building on a lot, the principal use of which is a house or town house, shall not be located in the front yard and shall not occupy over 25% of the side-plus-rear-yards. An accessory structure in any required yard shall not exceed either 18 feet in height, or any applicable height limitations imposed by division (A)(7) of this section, except if it is in a required side-yard setback on a corner, it shall not exceed the height of the fence allowed by (A)(4) of this section.
- (b) On a corner lot, the rear yard of which abuts the front yard of a residentially-zoned lot, an accessory building shall comply with the same side-yard setback on the street side as the principal building.
- (c) An accessory structure which is not covered by division (b) above has no required setback from a lot line, **[+except that an accessory structure used as a garage for off-street parking with access to an alley shall be set back a minimum of five feet from the alley.+]**